

TOWNSHIP OF WALL

**ORDINANCE NO. 17-1990
AS AMENDED**

MOUNT LAUREL VOLUNTARY CONTRIBUTION PROGRAM

INTRODUCED AS AMENDED: JULY 25, 1990

PUBLIC HEARING: AUGUST 15, 1990

**GILROY, CRAMER
& McLAUGHLIN**

**A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW**

TOWNSHIP OF WALL

ORDINANCE NO. 17-1990
AS AMENDED

AN ORDINANCE AMENDING CHAPTER XV, "ZONING," OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977" AS AMENDED AND SUPPLEMENTED, PERTAINING TO THE MOUNT LAUREL VOLUNTARY CONTRIBUTION PROGRAM.

WHEREAS, the Township of Wall is required to provide a reasonable opportunity for the creation of low and moderate income housing and has created an Affordable Housing Trust Fund; and

WHEREAS, the purpose of this Ordinance is to permit the reduction of lot sizes by twenty (20) percent within designated zones for single family detached dwelling unit major subdivision, thereby permitting the creation of new lots which would be sold, with a portion of the proceeds being used to help fund the costs related to low/moderate income housing construction, rehabilitation and/or regional contribution agreements; and

WHEREAS, the provisions of this Ordinance will be applicable only to residential major subdivisions of four (4) or more lots located within designated Zone Districts; and

WHEREAS, amendments are also hereby made to the RR, R-60 and R-30 zone districts to provide for creation of bonus lots;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth and State of New Jersey, as follows:

Section 1. The following amendments are hereby made to various provisions of the zoning Ordinance.

- (a) Section 15-7, "R-60 Residential Zone," subsection 15-7.5 is hereby amended to read as follows:

"15-7.5 Permitted Modifications. New lots created in major subdivisions may be modified to create bonus lots in accordance with Section 15-18.10."

- (b) Section 15-8, "R-30 Residential Zone," subsection 15-8.5 is hereby amended to read as follows:

"15-8.5 Permitted Modifications. New lots created in major subdivisions may be modified to create bonus lots in accordance with Section 15-18.10."

- (c) Section 15-9, "R-20 Residential Zone," subsection 15-19.5, Permitted Modifications, is hereby amended to read as follows:

"15-9.5 Permitted Modifications. None."

Section 2. Chapter XV, "Zoning", of "The Revised General Ordinances of the Township of Wall," 1977, as amended and supplemented, is hereby further supplemented by the addition of the following section:

"15-18.10 MODIFICATIONS TO NEW LOTS TO PROVIDE FOR LOW AND MODERATE INCOME HOUSING VOLUNTARY CONTRIBUTIONS IN RESIDENTIAL MAJOR SUBDIVISIONS.

- a. Major residential subdivisions within the RR, R-60 and R-30 Zone Districts consisting of four (4) or more lots may reduce the minimum lot area, lot width and lot depth by a maximum of twenty (20) percent for the purposes of creating density bonus lots and making a voluntary contribution for low and moderate income housing to the Wall Township Affordable Housing Trust Fund in accordance with this Section. A Conventional Development Lot Yield Map for conventional developable lots shall be prepared and submitted to the Planning Board for purposes of determining the maximum yield of developable lots in accordance with the applicable zone district requirements. This map shall be made a part of the development application and shall be made a part of the development application and shall be reviewed by the Land Use Officer, Board Engineer and Board Planner for conformance to applicable zone district and land subdivision requirements and reports thereon to the Board as to the number of developable conventional lots.
- b. Residential Development Bonus Lots - Voluntary Contributions.
 - (1) Applicability. All developers proposing creation of bonus lots pursuant to this section shall make a contribution to the Wall Township Affordable Housing Trust Fund, in accordance with the provisions set forth in (2) below.
 - (2) Affordable Housing Contribution for Residential Development. An affordable housing contribution based upon eighty (80) percent of the estimated cost of approved lots in designated zone districts shall be as follows for each bonus lot: R-R \$162,400; R-60 \$154,400; R-30 \$132,000. The foregoing amounts may be subject to periodic adjustment; however, they shall not be adjusted more than twice in any twelve (12) month period. In the event

there is any question relative to the number of bonus lots upon which the calculation is to be made, the developer shall submit plans subject to review, verification or correction by the Township agencies and/or professionals, detailing the number of lots to which it would be entitled if advantage was not taken of the density bonus, but all other laws, regulations and ordinances were observed in the preparation of the plans. The difference between the number of lots approved and the number of lots agreed to by the Planning Board on the approved Conventional Development Lot Yield Map shall be the number of bonus lots upon which the calculations shall be based.

(3) Payment of Contribution. The contribution to the Affordable Housing Trust Fund from residential development shall be calculated on the per lot contribution set forth in paragraph (2) above as of the date that preliminary subdivision approval is granted by the Planning Board, at which time the applicant shall enter into an agreement with the Township, to be recorded in the County Clerk's office within thirty (30) days of the date of Planning Board approval, setting forth the applicant's obligation to make such contribution.

(4) Contributions shall be payable as follows:

Ten (10) percent of the total contribution of all bonus lots at the time of preliminary approval; ten (10) percent of the total contribution divided by the total number of lots granted for preliminary approval to be paid proportionately at the time each building permit is issued; eighty (80) percent of the total contribution divided by the total number of lots granted for preliminary approval to be paid proportionately at the time each certificate of occupancy is issued or upon the transfer of the ownership of the lot.

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon its passage and publication according to law; filing with the Monmouth County Planning Board, and upon the entry of a Judgment

of Compliance in the matter of Cove Industries, Ltd. v. Wall Township, Docket No. L-051262-84.

GILROY, CRAMER
& McLAUGHLIN

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ATTORNEYS AT LAW

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on April 11, 1990 and was amended on July 25, 1990 will be further considered for final passage and adoption at the Municipal Complex, 2700 Allaire Road, Wall, New Jersey on August 15, 1990 at 8:00 p.m. or as soon thereafter as the matter can be reached on the agenda at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who request the same.

BEATRICE M. GASSNER, R.M.C.
Township Clerk

TOWNSHIP OF WALL
ORDINANCE NO. 17 - 1990

AN ORDINANCE AMENDING CHAPTER XV, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY PERTAINING TO THE MOUNT LAUREL VOLUNTARY CONTRIBUTION PROGRAM.

BE IT ORDAINED by the Mayor and Township Committee of the Township of Wall, County of Monmouth, and State of New Jersey as follows:

WHEREAS, the Township of Wall is required to provide a reasonable opportunity for the creation of low and moderate income housing and has created an Affordable Housing Trust Fund. The purpose of this Ordinance is permit the reduction of lots sizes by twenty (20) percent within designated zones for single family detached dwelling unit major subdivisions, thereby permitting the creation of new lots which would be sold, with a portion of the proceeds being used to help fund the costs related to low/moderate income housing construction, rehabilitation and/or regional contribution agreements. The provisions of this Ordinance will be applicable only to residential major subdivisions of four or more lots located

within designated Zone Districts. Amendments are also hereby made to the RR, R-60 and R-30 zone districts to provide for creation of bonus lots.

Section 1. The following amendments are hereby made to various provisions of the zoning ordinance.

(Amendments are made on a section basis with deletions in [b/r/a/c/k/e/t/s/], and additions underlined and new sections as noted):

- (a) Section 15-7, R-60 Residential Zone Subsection 15-7.5 is hereby amended to read as follows:

"15-7.5 Permitted Modifications. New lots created in major subdivisions may be modified to create bonus lots in accordance with Section 15-18.10."

- (b) Section 15-8, R-30 Residential Zone, Subsection 15-8.5 is hereby amended to read as follows:

"15-8.5 Permitted Modifications. New lots created in major subdivisions may be modified to create bonus lots in accordance with Section 15-18.10."

- (c) Section 15-19, R-20 Residential Zone, Subsection 15-19.5, Permitted Modifications, is amended as follows:

15-9.5 Permitted Modifications. [a/s s/p/e/c/i/f/i/e/d
i/n S/e/c/t/i/o/n 15/-/18] None.

Section 2. Chapter XV, "Zoning", of "The Revised General Ordinance the Township of Wall," 1977, as amended and supplemented, is hereby further supplemented by the addition of the following section.

"Section 15-18.10 MODIFICATIONS TO NEW LOTS TO PROVIDE FOR LOW AND MODERATE INCOME HOUSING VOLUNTARY CONTRIBUTIONS IN RESIDENTIAL MAJOR SUBDIVISIONS

- a. Major residential subdivisions within the RR, R-60, and R-3- Zone Districts consisting of four (4) or more lots may reduce the minimum lot area, lot width and lot depth by a maximum of twenty (20) percent for purposes of creating density bonus lots and making a voluntary contribution for low and moderate income housing to the Wall Township Affordable Housing Trust Fund in accordance with Section 15-18.10. A Conventional Development Lot Yield Map for conventional developable lots shall be prepared and submitted to the Planning Board for purposes of determining the maximum yield of developable lots in accordance with the applicable zone district requirements. This map shall be made a part of the development application and shall be reviewed by the Land Use Officer, Board Engineer and Board Planner

for conformance to applicable zone district and land subdivision requirements and reports thereon to the Board as to the number of developable conventional lots.

b. Residential Development Bonus Lot - Voluntary Contribution

(1) Applicability. All persons or entities proposing creation of bonus lots pursuant to subsection 15-18.10 shall make a contribution to the Wall Township Housing Trust Fund in accordance with the provisions set forth in (2) below.

(2) Affordable Housing Contribution for Residential Development. An affordable housing contribution based upon 80 percent of the estimated cost of approved lots in designated zone districts shall be as follows for each bonus lot: R-R \$162,400, R-60 \$154,400, R-30 \$132,000. The foregoing amounts may be subject to periodic adjustment; however, it shall not be adjusted more than twice in any 12 month period. In the event there is any question relative to the number of bonus lots upon which the calculation is to be made, the developer shall submit plans subject to review, verification or correction by the Township agencies and/or professionals, detailing the number of lots to which

it would be entitled if advantage was not taken of the density bonus, but all other laws, regulations and ordinances were observed in the preparation of the plans. The difference between the number of lots approved and the number of lots agreed to by the Planning Board approved Conventional Development Lot Yield Map shall be the number of bonus lots upon which the calculations shall be based.

(3) Payment of Contribution. The contribution to the Affordable Housing Trust Fund from residential development shall be calculated on the per lot contribution set forth in paragraph (2) above as of the date that preliminary subdivision approval is granted by the Planning Board, at which time the applicant shall enter into an agreement with the township, to be recorded in the county clerk's office within 30 days of the date of Planning Board approval, setting forth the applicant's obligation to make such contribution.

(4) Contributions for each bonus lot created shall be payable as follows:

10 percent at the time preliminary approval;

10 percent upon issuance a building permit

80 percent upon issuance of a Certificate of Occupancy or the transfer of ownership of the lot."

Section 3. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 4. If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon passage, publication according to law, and filing with the Monmouth County Planning Board.

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on Feb. 28, 1990 and will be further considered for final passage and adoption at the Court Room, Police Headquarters Building, Allaire Road, Wall, New Jersey, on March 14, 1990 at 8:00 p.m., or as soon thereafter as the matter can be reached on the agenda at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to, and up to and including, the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER
TOWNSHIP CLERK